

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
CASE NUMBER: 1:25-CV-21746

GAMES WORKSHOP LIMITED,

Plaintiff,

V. THE UNREGISTERED INDIVIDUALS, PARTNERSHIPS, AND ASSOCIATIONS
IDENTIFIED IN SCHEDULE A.

Defendants.

ANSWER TO THE COMPLAINT

Defendant [Branden Arthur] in response to the Complaint filed by Plaintiff Games Workshop Limited, kindly submits the following clarifications:

1. Jurisdiction and venue.

I do not conduct business to sell directly in the United states. This listing was an effort to sell unneeded personal items. I do not operate a business in the wargaming market. I would like to state that no sales were conducted of the item in question, as proof of which I am attaching a screen shot from my Ebay Sales portal.

2. Denying the allegations of infringement.

The item in question was designed and created by me for personal use. They are in no way copies of original Games Workshop products. They are not modeled or copies of Games Workshop products. They are only alternatives with unique features that can be used in all tabletop games.

In listing this item, I did not act with the intention or knowledge of causing damage or threatening the Plaintiff's market position.

The use of "Warhammer Fantasy Battles" and "Warhammer Old World" was purely descriptive and was intended to indicate the product's compatibility and my personal use of it, not to suggest brand affiliation.

I also did not use any of the Plaintiffs "Warhammer Marks".

It was never my intention to mislead customers. The image used was of my personal design

3. Plaintiff's Trademarks

Nominative Fair Use: The terms "Warhammer Fantasy Battles" and "Warhammer Old World" was used to describe a potential use or compatibility of the items. It was not intended to be used as a trademark.

4. Allegations of Infringement

Defendant denies all allegations that it participated in the sale, promotion, or distribution of counterfeit goods, as described in the complaint.

Defendant claims that all goods offered for sale were legally manufactured and do not infringe Plaintiffs trademarks. The products were of surplus personal items.

The defendant denies that any actions caused confusion among customers.

5. Affirmative defense

The Plaintiffs claims are barred by the doctrine of fair use, first sale, or lack of willful infringement.

The Plaintiff has not presented a claim based on which relief may be obtained.

6. The defendant requests the Court:

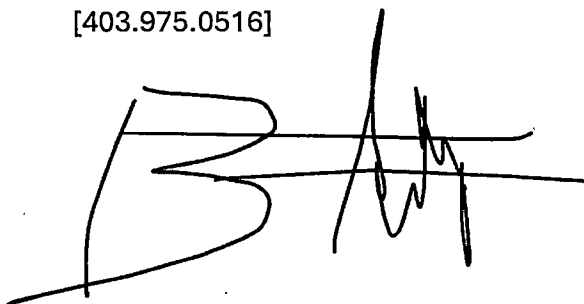
To dismiss the Plaintiffs complaint and not to enforce the amount of compensation presented in the lawsuit. The requested amount is disproportionately large compared to the \$0 of items sold. It far exceeds the potential material benefits obtained from the sale of the item stated in the lawsuit. Which was \$0.

I truly hope the court will consider my explanation as justified and dismiss the Plaintiffs lawsuit.

Dated: May, 30, 2025

Respectfully submitted,

[Branden Arthur]
[3006 Dover Road, SE Calgary, Alberta, Canada T2B 1V6]
[theduck_101@hotmail.com]
[403.975.0516]

A handwritten signature in black ink, appearing to be 'Branden Arthur', written over a horizontal line.

5/29/25, 11:38 PM

Performance & Sales – eBay Seller Hub

Seller Hub [vonduck101](#) (26)[Overview](#) [Orders](#) [Listings](#) [Marketing](#) [Advertising](#) [Store](#) **[Performance](#)** [Payments](#) [Research](#)

Summary

Seller Level

Sales:

This year

Compared to:

Same period last year

[Generate Report](#)**Sales**

Traffic

Report for Jan 1, 2025 - May 30, 2025

Compared to Jan 1, 2024 - May 30, 2024 (151 days)

Service Metrics

Buyer insights

Compared to the prior time period

Total buyers ⓘ

0

▼ 0.0%

Breakdown ⓘ

One-time buyers: 0

▼ 0.0%

Repeat buyers: 0

▼ 0.0%

Percent of total

0.0%

0.0%

We couldn't find any sales or selling costs in the selected time period. Try changing the date range

https://www.ebay.ca/sh/performance/sales?referencePeriodFilter=THIS_YEAR&benchmarkPeriodFilter=LAST_YEAR&benchmarkStart=1704085200000

5/29/25, 11:38 PM

Performance & Sales – eBay Seller Hub

Listings insights

Sold via advertising (0)

Sold via Best offer (0)

Sold via Seller initiated offer (0)

Search by Item Title, Keywords

Listing

Quantity sold

Total sales

Taxes and
government fees

Total

We couldn't find any sales in the selected time period. Try changing the date range or filters.

5/29/25, 11:39 PM

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Summary

Seller Level

Sales

Traffic

Service Metrics

Sales:

Last year ▾

Compared to:

Prior year ▾

Generate Report

Report for Jan 1, 2024 - Dec 31, 2024

Compared to Jan 1, 2023 - Dec 31, 2023 (365 days)

Buyer insights

Compared to the prior time period

Total buyers ⓘ

0

▼ 100.0%

Breakdown ⓘ

One-time buyers: 0

▼ 100.0%

Repeat buyers: 0

▼ 0.0%

Percent of total

0.0%

0.0%

We couldn't find any sales or selling costs in the selected time period. Try changing the date range

https://www.ebay.ca/sh/performance/sales?referencePeriodFilter=LAST_YEAR&benchmarkPeriodFilter=PRIOR_YEAR&benchmarkStart=1672549200000

5/29/25, 11:39 PM

Performance & Sales – eBay Seller Hub

Listings insights

Sold via advertising (0)

Sold via Best offer (0)

Sold via Seller initiated offer (0)

Search by Item Title, Keywords

Listing

Quantity sold

Total sales

Taxes and
government fees

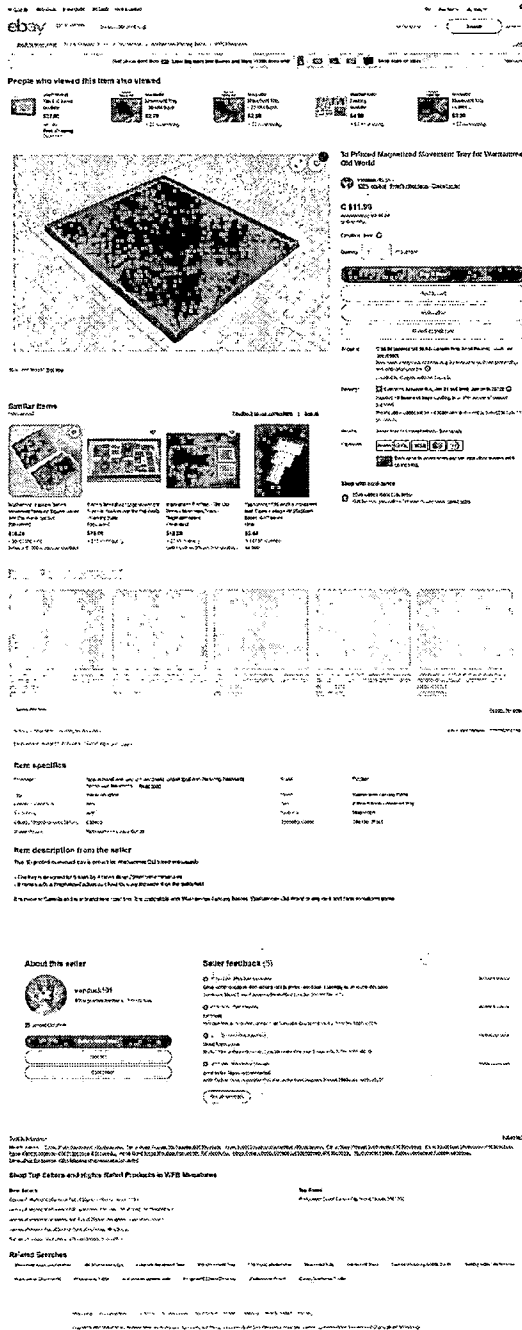
Total

We couldn't find any sales in the selected time period. Try changing the date range or f

Evidence Collection Report

[illegible]

File Signatures

[illegible]

Evidence Collection Report

Page Title

Checkout | eBay

URL

https://pay.ebay.com/rgeo

Collection Date

Tue, 14 Jan 2025 10:59:09 UTC (US Department of Commerce / NIST authenticated timestamp)

Collected by

Chris Stavrou

IP Address

37.221.112.220

Browser Information

Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko) Chrome/131.0.0.0 Safari/537.36

Digital Signature (SHA256 / PKCS#1v1.5)

NGpWY3hGjgEuuv054ud3Uy14fhw9COYQMAbORT3QZ+OckBFJ6a3LqMCQOrt8mqb7WnzZlureCukvb+XdUzjn+ElxGrvWY/bP06Vq/VjCUpJ/M9lwTqO9Izwb0TB9q/9grikKZqcMQoChxZkCNtjgpcC+1wjfQo6Gb0e2KqX26x+5Zu7He7BA6aZ15Ue10FEB9yuhw1106hvaMSVZxe18hQJ2kfpnw01pPvrm3e5a4ZkYjBAD0GLPZIMAv51zR804LaWDn1Pcm6wax5papeS1H9E0Va3dKONhKEPIG/4psX61GMS2ZHNhWkQgOIEIMzGG81c5B5Fng==

File Signatures

SCREEN CAPTURE
MHTML
File Name

screencap_[[https://pay.ebay.com/rgeo]]_Tue-14-Jan-2025-10-59-09-GMT.mhtml

Hash (SHA256)

07683f2ced549780e20fa9d518b7ebee5e6344989f367ef10918be1f5608e3

Signature (PKCS#1v1.5)

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 Lu4C986MfENDWjyNxbTaudhX451wKHFZ4JLYN0JGCAQJ/593WGUxc99McmEShdkPeBVDyK7MtoalIOWKDCJdhuwmbmUhytyTyrXX7MhMAS6zes51GagLumJ9H7W0WGJR9Ct15GTGTvMKTersQUGs8YID+p4rtctvdFsN1P7JUJacQ/66MnrzOu/
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checkout

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Review order

warchuck101 - Add extra for seller
 100% positive feedback

3d Printed Magnetized Movement Tray for Warhammer Qd World
C \$11.99

Quantity: 1

Delivery
 Est. delivery: Jan 21 - Jan 29
 Can ship Post Small Packets - USA - Air
C \$16.94

Item (1) **C \$11.99**
Shipping **C \$9.84**
Tax* **C \$1.44**
Order total **C \$21.97**

*We're required by law to collect sales tax and applicable fees for certain tax authorities.
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